

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANNY LEON and CRISTINA LEON, No. C 12-2824 SI

Plaintiffs,

v.

**ORDER REFERRING CASE TO ADR
UNIT FOR ASSESSMENT TELEPHONE
CONFERENCE**CITIMORTGAGE, INC, CR TITLE
SERVICES, and DOES 1 through 10,

Defendants.

On May 4, 2012, plaintiffs filed this foreclosure-related action against defendants Citimortgage, Inc. and CR Title Services in Alameda Superior Court. On June 1, 2012, defendants removed the case to this Court. On June 8, 2012, defendants filed a motion to dismiss plaintiffs' complaint for failure to state a claim. A hearing is set for defendants' motion on July 13, 2012.

Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone conference to assess this case's suitability for mediation or a settlement conference. Plaintiffs' and Defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible but no later than **July 20, 2012**.

Plaintiffs' and Defendants' counsel shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

1 The parties need not submit written materials to the ADR Unit for the telephone conference. In
2 preparation for the telephone conference, Plaintiffs shall do the following:

3 (1) Review relevant loan documents and investigate the claims to determine
4 whether they have merit.
5 (2) If Plaintiffs are seeking a loan modification to resolve all or some of the claims,
6 Plaintiffs shall prepare a current, accurate financial statement and gather all of
7 the information and documents customarily needed to support a loan
8 modification request. Further, Plaintiffs shall immediately notify Defendants'
9 counsel of the request for a loan modification.
10 (3) Provide counsel for Defendants with information necessary to evaluate the
11 prospects for loan modification, in the form of a financial statement, worksheet
12 or application customarily used by financial institutions.

13 In preparation for the telephone conference, counsel for Defendants shall do the following.

14 (1) If Defendants are unable or unwilling to do a loan modification after receiving
15 notice of Plaintiffs' request, counsel for Defendants shall promptly notify
16 Plaintiffs to that effect.
17 (2) Arrange for a representative of each Defendant with full settlement authority
18 to participate in the telephone conference.

19 The ADR Unit will notify the parties of the date and time the telephone conference will be held.

20 After the telephone conference, the ADR Unit will advise the Court of its recommendation for further
21 ADR proceedings. The July 13, 2012 hearing date on defendants' motion to dismiss is hereby
22 VACATED. The motion will be reset for hearing, if necessary, after the conclusion of the ADR Unit's
23 involvement.

24 **IT IS SO ORDERED.**

25 Dated: June 18, 2012

26 
27 _____
28 SUSAN ILLSTON
 United States District Judge